

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**NETWORK SYSTEM TECHNOLOGIES, LLC, §  
v. § Plaintiff, § Civil Action No. 2:22-CV-481-JRG  
SAMSUNG ELECTRONICS CO., LTD. et al., § v. § JURY TRIAL DEMANDED  
Defendants. § §**

**ANSWER OF ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.  
TO NETWORK SYSTEM TECHNOLOGIES, LLC'S COMPLAINT**

To the extent any response is required to the unnumbered preamble of plaintiff's Complaint for Patent Infringement: Denied.

**NATURE OF THE ACTION**

1. To the extent any response is required: Denied, except that plaintiff has alleged an action arising under certain provisions of Title 35 of the United States Code.

**THE PARTIES**

2. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

3. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

4. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

5. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

6. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

7. To the extent any response is required: Denied

8. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

9. Denied, except that OnePlus Technology (Shenzhen) Co., Ltd. (“OnePlus”) is a corporation organized and existing under the laws of China.

10. Denied.

#### **JURISDICTION AND VENUE**

11. To the extent any response is required: Denied.

12. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

13. With respect to OnePlus, denied, except that for the purposes of this Civil Action No. 2:22-cv-481-JRG, OnePlus does not object to the exercise of jurisdiction by this Court, or to the propriety (as opposed to the convenience) of venue in this District and Division. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

14. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

15. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

16. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

17. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

18. Denied.

19. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

### **JOINDER**

20. Denied.

21. With respect to averments specific to OnePlus, denied. With respect to other Defendants and with respect to averments regarding all Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

22. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

### **THE ASSERTED PATENTS**

23. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

#### **U.S. Patent No. 7,366,818 (“the ‘818 patent”)**

24. Denied, except that what purports to be a copy of the ‘818 patent was attached to the Complaint.

25. Denied, except that the document purporting to be a copy of the ‘818 patent attached to the complaint shows 7 claims: 1 independent claim and 6 dependent claims.

26. Denied.

27. Denied.

28. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

29. With respect to averments specific to OnePlus, denied. With respect to other Defendants, third parties, and with respect to averments regarding all multiple parties, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

30. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

31. To the extent any response is required, with respect to OnePlus, denied except that OnePlus respects the intellectual property rights of others, and that OnePlus seeks to develop innovative and groundbreaking products; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

32. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

33. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

34. To the extent any response is required, with respect to OnePlus, denied; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

35. Denied.

**U.S. Patent No. 7,373,449 (“the ‘449 patent”)**

36. Denied, except that what purports to be a copy of the ‘449 patent was attached to the Complaint.

37. Denied, except that the document purporting to be a copy of the ‘449 patent attached to the complaint shows 18 claims: 2 independent claims and 16 dependent claims.

38. Denied.

39. Denied.

40. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

41. With respect to averments specific to OnePlus, denied. With respect to other Defendants, third parties, and with respect to averments regarding multiple parties, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

42. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

43. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

44. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

45. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

46. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

47. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

48. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

49. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

50. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

51. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

52. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

53. To the extent any response is required, with respect to OnePlus, denied except that OnePlus respects the intellectual property rights of others; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

54. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

55. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

56. To the extent any response is required, with respect to OnePlus, denied; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

57. Denied.

**U.S. Patent No. 7,594,052 (“the ‘052 patent”)**

58. Denied, except that what purports to be a copy of the ‘052 patent was attached to the Complaint.

59. Denied, except that the document purporting to be a copy of the ‘052 patent attached to the complaint shows 7 claims: 3 independent claims and 4 dependent claims.

60. Denied.

61. Denied.

62. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

63. With respect to averments specific to OnePlus, denied. With respect to other Defendants, third parties, and with respect to averments regarding multiple parties, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

64. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

65. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

66. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

67. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

68. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

69. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

70. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

71. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

72. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

73. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

74. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

75. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

76. To the extent any response is required, with respect to OnePlus, denied except that OnePlus respects the intellectual property rights of others; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

77. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

78. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

79. To the extent any response is required, with respect to OnePlus, denied; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

80. Denied.

**U.S. Patent No. 7,769,893 (“the ‘9893 patent”)**

81. Denied, except that what purports to be a copy of the ‘9893 patent was attached to the Complaint.

82. Denied, except that the document purporting to be a copy of the ‘9893 patent attached to the complaint shows 11 claims: 2 independent claim and 9 dependent claims.

83. Denied.

84. Denied.

85. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

86. With respect to averments specific to OnePlus, denied. With respect to other Defendants, third parties, and with respect to averments regarding multiple parties, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

87. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

88. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

89. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

90. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

91. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

92. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

93. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

94. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

95. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

96. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

97. To the extent any response is required, with respect to OnePlus, denied except that OnePlus respects the intellectual property rights of others; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

98. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

99. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

100. To the extent any response is required, with respect to OnePlus, denied; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

101. Denied.

**U.S. Patent No. 8,072,893 (“the ‘2893 patent”)**

102. Denied, except that what purports to be a copy of the ‘2893 patent was attached to the Complaint.

103. Denied, except that the document purporting to be a copy of the ‘2893 patent attached to the complaint shows 12 claims: 5 independent claim and 7 dependent claims.

104. Denied.

105. Denied.

106. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

107. With respect to averments specific to OnePlus, denied. With respect to other Defendants, third parties, and with respect to averments regarding multiple parties, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

108. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

109. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

110. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

111. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

112. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

113. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

114. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

115. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

116. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

117. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

118. To the extent any response is required, with respect to OnePlus, denied except that OnePlus respects the intellectual property rights of others; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

119. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

120. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

121. To the extent any response is required, with respect to OnePlus, denied; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

122. Denied.

**U.S. Patent No. 8,086,800 (“the ‘800 patent”)**

123. Denied, except that what purports to be a copy of the ‘800 patent was attached to the Complaint.

124. Denied, except that the document purporting to be a copy of the ‘800 patent attached to the complaint shows 21 claims: 4 independent claims and 17 dependent claims.

125. Denied.

126. Denied.

127. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

128. With respect to averments specific to OnePlus, denied. With respect to other Defendants, third parties, and with respect to averments regarding all multiple parties, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

129. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

130. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

131. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

132. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

133. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

134. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

135. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

136. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

137. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

138. To the extent any response is required, with respect to OnePlus, denied except that OnePlus respects the intellectual property rights of others; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

139. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

140. With respect to OnePlus, denied. With respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

141. To the extent any response is required, with respect to OnePlus, denied; with respect to other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

142. Denied.

**BACKGROUND OF ALLEGEDLY INFRINGING CONDUCT**

143. To the extent any response is required: OnePlus reavers and incorporates by reference its unnumbered preamble and Paragraphs 1 through 142 above.

144. To the extent any response is required: Denied, except that complex integrated circuits may incorporate multiple processors, memory units, and interfaces onto a single chip; and complex integrated circuits are used in some consumer electronics or computing devices, including some smartphones, laptops, tablets, and embedded systems.

145. To the extent any response is required: Denied, or denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments, except that integrated circuits have developed over time; in some cases additional processing cores and other IP blocks have been incorporated into them; various interconnection technologies have been used in them; and many factors go into integrated circuit performance and size, one of which is design of interconnections.

146. Denied.

147. With respect to averments specific to OnePlus, denied, and with respect to other Defendants and with respect to averments regarding all Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments; except that OnePlus is an innovative electronic device and software company.

148. With respect to averments specific to OnePlus, denied, and with respect to other Defendants and with respect to averments regarding multiple Defendants and third parties, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

149. With respect to OnePlus, denied; with respect to averments limited to other defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

150. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

151. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

152. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

153. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

154. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

155. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

156. To the extent any response is required, denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments, except that exhibits mentioning Samsung devices and certain claims of the patents in suit are attached to the Complaint.

157. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

158. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

159. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

160. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

161. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

162. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

163. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

164. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

165. To the extent any response is required, denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments, except that exhibits mentioning Lenovo devices and certain claims of the patents in suit are attached to the Complaint.

166. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

167. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

168. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

169. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

170. Denied.

171. Denied.

172. Denied, except that certain OnePlus or OnePlus-branded products include certain Qualcomm Snapdragon integrated circuits.

173. Denied.

174. To the extent any response is required, denied, except that exhibits mentioning OnePlus, certain devices, certain integrated circuits, and certain claims of the patents in suit are attached to the Complaint.

175. Denied.

176. Denied, except that OnePlus or its affiliates publish(es) and distribute(s) data sheets, manuals, and guides for certain OnePlus or OnePlus-branded products.

177. Denied.

178. Denied.

179. With respect to averments regarding OnePlus, denied. With respect to averments regarding other Defendants, denied because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

#### **COUNT I – ‘818 PATENT**

180. To the extent any response is required: OnePlus reavers and incorporates by reference its unnumbered preamble and Paragraphs 1 through 179.

181. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

182. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

183. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

184. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

185. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

186. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

187. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

188. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

189. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

190. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

191. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

192. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

193. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

194. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

195. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

196. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

197. Denied.

198. Denied.

199. Denied.

200. Denied.

201. Denied.

202. Denied.

203. Denied.

204. Denied.

#### **COUNT II – ‘449 PATENT**

205. To the extent any response is required: OnePlus reavers and incorporates by reference its unnumbered preamble and Paragraphs 1 through 204.

206. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

207. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

208. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

209. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

210. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

211. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

212. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

213. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

214. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

215. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

216. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

217. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

218. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

219. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

220. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

221. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

222. Denied.

223. Denied.

224. Denied.

225. Denied.

226. Denied.

227. Denied.

228. Denied.

229. Denied.

### COUNT III – ‘052 PATENT

230. To the extent any response is required: OnePlus reavers and incorporates by reference its unnumbered preamble and Paragraphs 1 through 229.

231. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

232. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

233. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

234. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

235. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

236. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

237. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

238. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

239. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

240. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

241. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

242. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

243. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

244. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

245. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

246. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

247. Denied.

248. Denied.

249. Denied.

250. Denied.

251. Denied.

252. Denied.

253. Denied.

254. Denied.

#### **COUNT IV – ‘9893 PATENT**

255. To the extent any response is required: OnePlus reavers and incorporates by reference its unnumbered preamble and Paragraphs 1 through 254.

256. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

257. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

258. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

259. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

260. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

261. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

262. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

263. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

264. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

265. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

266. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

267. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

268. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

269. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

270. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

271. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

272. Denied.

273. Denied.

274. Denied.

275. Denied.

276. Denied.

277. Denied.

278. Denied.

279. Denied.

#### **COUNT V – ‘2893 PATENT**

280. To the extent any response is required: OnePlus reavers and incorporates by reference its unnumbered preamble and Paragraphs 1 through 279.

281. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

282. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

283. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

284. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

285. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

286. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

287. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

288. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

289. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

290. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

291. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

292. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

293. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

294. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

295. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

296. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

297. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

298. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

299. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

300. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

301. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

302. Denied.

303. Denied.

304. Denied.

305. Denied.

306. Denied.

307. Denied.

308. Denied.

309. Denied.

#### **COUNT VI – ‘800 PATENT**

310. To the extent any response is required: OnePlus reavers and incorporates by reference its unnumbered preamble and Paragraphs 1 through 309.

311. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

312. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

313. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

314. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

315. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

316. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

317. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

318. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

319. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

320. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

321. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

322. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

323. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

324. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

325. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

326. Denied, because OnePlus is without knowledge or information sufficient to form a belief as to the truth of the averments.

327. Denied.

328. Denied.

329. Denied.

330. Denied.

331. Denied.

332. Denied.

333. Denied.

334. Denied.

#### **PRAYER FOR RELIEF**

335. To the extent any response is required to any part of the unnumbered paragraph containing Plaintiff's Prayer for Relief, including without limitation its unnumbered first clause and the sub-paragraphs it has labeled A-H: Denied.

#### **JURY DEMAND**

336. To the extent any response is required to the unnumbered paragraph containing Plaintiff's Jury Demand: Denied, except that OnePlus has separately demanded a trial by jury on all issues so triable.

337. To the extent OnePlus has not already addressed elsewhere any averments of Plaintiff's Complaint: Denied.

#### **DEFENSES**

338. Pursuant to Federal Rule of Civil Procedure 8(b) and (c), without assuming any burden that it would not otherwise bear, without reducing or removing plaintiff's burdens of proof on its affirmative claims against OnePlus, reserving its right to assert additional defenses, and affirmatively

solely to the extent deemed necessary by the Court to maintain any or all of the following defenses, OnePlus asserts the following defenses to Plaintiff's Original Complaint for Patent Infringement:

**FIRST DEFENSE**

339. OnePlus does not and has not infringed any valid and enforceable claim of U.S. Patent No. 7,366,818; 7,373,449; 7,594,052; 7,769,893; 8,072,893; or 8,086,800 (the "patents-in-suit") literally, under the doctrine of equivalents, directly, indirectly, contributorily, by way of inducement, and/or via any other mechanism of liability.

**SECOND DEFENSE**

340. Each of the asserted claims of the patents-in-suit is invalid and/or unenforceable for failure to comply with one or more of the conditions of patentability set forth in Title 35 of the United States Code, including without limitation, for example, Sections 101, 102, 103, and 112.

**THIRD DEFENSE**

341. Plaintiff's claims for patent infringement are precluded in whole or in part (i) to the extent that any allegedly infringing products or components thereof are supplied, directly or indirectly, to OnePlus by (or by OnePlus to) any entity or entities having express or implied licenses to the patents-in-suit and/or (ii) under the doctrine of patent exhaustion.

**FOURTH DEFENSE**

342. Plaintiff is barred in whole or in part under principles of equity, including without limitation, laches, prosecution laches, waiver, estoppel, and/or unclean hands.

**FIFTH DEFENSE**

343. Any claim by Plaintiff for damages is limited under 35 U.S.C. §§ 286 or 287. Plaintiff is barred under 35 U.S.C. § 287 from recovering damages prior to the date of the filing of the Complaint. Plaintiff is barred by 35 U.S.C. § 288 from recovering costs associated with its action.

**SIXTH DEFENSE**

344. Plaintiff has failed to provide adequate evidence of ownership of or exclusive control over the patents-in-suit.

**SEVENTH DEFENSE**

345. Plaintiff lacks standing to bring suit for alleged infringement of the patent-in-suit.

**EIGHTH DEFENSE**

346. Plaintiff is not entitled to injunctive relief under any theory.

**NINTH DEFENSE**

347. Plaintiff has failed to state a claim upon which relief can be granted.

**TENTH DEFENSE**

348. OnePlus is the wrong entity to defend against Plaintiff's averments, including because, at a minimum, OnePlus does not make, use, sell, or offer for sale in, or import to, the United States; and Plaintiff has already sued the real defendant, Qualcomm, separately.

**ELEVENTH DEFENSE**

349. This is an exceptional case under 35 U.S.C. 285, entitling OnePlus to an award of its costs, expenses, and reasonable attorney fees in this action.

**RESERVATION OF RIGHTS**

350. OnePlus reserves any and all rights to amend its answer, including its currently pled defenses, and/or to add additional defenses, as any basis for doing so becomes apparent.

**ONEPLUS DEMAND FOR JURY TRIAL**

351. OnePlus demands a trial by jury on all issues so triable.

**ONEPLUS PRAYER FOR RELIEF**

FOR THESE REASONS, OnePlus respectfully requests that this Court enter judgment in its favor and grant the following relief:

A. That the Court enter an order declaring that plaintiff take nothing by its complaint in this action;

- B. That the Court enter judgment against plaintiff and in favor of OnePlus, and that the complaint be dismissed with prejudice;
- C. That the Court enter a declaratory judgment that OnePlus does not infringe any claim of any of the patents-in-suit;
- D. That the Court enter a declaratory judgment that the asserted claims of the patents-in-suit are invalid; and
- E. That the Court enter an order awarding OnePlus its costs, expenses and reasonable attorney fees in this action because this is an exceptional case under 35 U.S.C. 285 as a result of, *inter alia*, the above-pleaded denials, defenses, and affirmative defenses.

DATED: October 26, 2023

Respectfully submitted,

/s/ Everett Upshaw

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***ATTORNEY FOR ONEPLUS TECHNOLOGY  
(SHENZHEN) CO., LTD.***

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was filed electronically in compliance with Local Rule CV-5(d), and thereby served on all counsel who have consented to electronic service on this 26<sup>th</sup> day of October, 2023.

/s/ Everett Upshaw

Everett Upshaw